

**BOARD OF ASSESSMENT APPEALS,
STATE OF COLORADO**

1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 52377

Petitioner:

JUDITH A. DURAND

v.

Respondent:

PITKIN COUNTY BOARD OF EQUALIZATION.

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on August 12, 2010, Louesa Maricle and James R. Meurer presiding. Petitioner's husband, Mr. David Durand appeared for Petitioner. Respondent was represented by Christopher G. Seldin, Esq. Petitioner is protesting the 2009 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**257 Fairway Drive, Snowmass Village, Colorado
(Pitkin County Schedule No. R002756)**

The subject property consists of a single-family detached house located in the Snowmass Village submarket of Pitkin County. The residence is two-story, was constructed in 1988, and contains 2,836 square feet of living area including three bedrooms and three baths. There is a two car garage, no basement, and the lot size is 8,712 square feet. The subject property borders the Snowmass Golf Course.

Mr. Durand testified that the house was 22 years old, was located in a subdivision that was developed approximately 35 years ago, and was of average design and construction quality. Mr. Durand further testified that the comparable sales used by Respondent in its analysis did not accurately reflect value, that the sales were superior to the subject, and that the use of 193 Fairway Drive as a comparable was inappropriate since it was completely gutted, renovated, and the sale included personal property. No appraisal or market sales of residential properties were provided by Petitioner.

Petitioner is requesting a 2009 actual value of \$2,167,000 for the subject property based on the combination of the land and improvement components of the subject property.

Respondent's witness, Mr. Lawrence C. Fite, a Certified General Appraiser with the Pitkin County Assessor's Office, presented four comparable sales to support the opinion of market value. The sales were all located in the Snowmass Village submarket and ranged in price from \$1,400,000.00 to \$3,200,000.00 prior to any adjustments, and from \$2,933,820.00 to \$3,450,695.00 after adjustments. Major adjustments were for date of sale, site characteristics, living area square footage, basement, and construction quality. Mr. Fite testified that most weight was placed on Comparables No. 1 and 2 and reconciled at a value of \$3,200,000.00 for the subject property.

Respondent assigned an actual value of \$2,634,400.00 to the subject property for tax year 2009.

Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2009.

The Board bases this conclusion on the fact that no residential sales within the base period or other supporting evidence were submitted by Petitioner to support the opinion of value. Further, Petitioner's requested value was based on the separate components of land and improvements. The Board is unable to consider the valuation of land and improvements separately. Land and improvements must be valued as an aggregate. "[A] party may seek review of only the total valuation for assessment, and not of the component parts of that total." *Cherne v. Bd. of Equalization*, 885 P.2d 258, 259 (Colo. App. 1994).

After careful consideration of the testimony and exhibits presented in the hearing, the Board concludes that Respondent's assigned value accurately reflects a reasonable market value for the subject property.

ORDER:

The petition is denied.

APPEAL:

If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a

significant decrease in the total valuation of the respondent county, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

Section 39-8-108(2), C.R.S.

DATED and MAILED this 24 day of September 2010.

BOARD OF ASSESSMENT APPEALS



Louesa Maricle



James R. Meurer

I hereby certify that this is a true and correct copy of the decision of the Board of Assessment Appeals.



Amy Bruins

